

## **REMARKS**

Claims 1 and 20 have been amended. No claims have been added or cancelled. Claims 1-20 remain pending in the application. Reconsideration is respectfully requested in light of the following remarks.

### **Section 103(a) Rejection:**

The Examiner rejected claims 1-15 under 35 U.S.C. § 103(a) as being unpatentable over Mizushima, et al. (U.S. Publication 2003/0101106) (hereinafter "Mizushima") in view of eHealthInsurance (<http://www.eHealthInsurance.com>) and in further view of Didriksen et al. (U.S. Publication 2001/0042055) (hereinafter "Didriksen"), claim 16 as being unpatentable over Mizushima, eHealthInsurance and Didriksen in view of eBay (<http://www.ebay.com>), claim 17 as being unpatentable over Mizushima, eHealthInsurance and Didriksen in view of Chen et al. (U.S. Patent 5,504,674) (hereinafter "Chen"), and claim 18 as being unpatentable over Mizushima, eHealthInsurance and Didriksen, and further in view of Kepler (U.S. Patent 5,347,845). Applicant respectfully traverses these rejections for at least the reasons below.

The Examiner's rejections are improper because Mizushima is not a prior art reference. The prior art date of Mizushima is the March 29, 2001 filing date of the corresponding PCT application number PCT/JP01/02675. However, the present application claims the benefit of priority of U.S. Provisional Application No. 60/247,272, filed Nov. 10, 2000. Thus, Mizushima fails to qualify as prior art. Therefore, the rejection is improper.

Furthermore, Didriksen is also not a prior art reference. The filing date of Didriksen is Feb. 7, 2001, which is after Applicant's priority date of Nov. 10, 2000. A provisional application is mentioned on the title page of the Didriksen's published application. However, the priority claim to the provisional application was never perfected in Didriksen's utility application. More specifically, according to 35 U.S.C. §

119(e)(1): “*No application shall be entitled to the benefit of an earlier filed provisional application under this subsection unless an amendment containing the specific reference to the earlier filed provisional application is submitted at such time during the pendency of the application as required by the Director.*” An examination of the file history of Didriksen on PAIR reveals that, although Didriksen did mention the provisional application in his transmittal papers and Declaration, the amendment required by 35 U.S.C. § 119(e)(1) was never made in Didriksen’s utility application. Therefore, by law Didriksen is not entitled to the February 9, 2000 priority date. Thus, Didriksen is not prior art to the present application and the rejection is improper.

In further regard to claim 1, contrary to the Examiner’s assertion, the cited prior art fails to teach or suggest searching a database for a cost effective insurance, wherein the cost effective insurance provides a specified level of insurance coverage for the item. The Examiner relies upon the eHealthInsurance reference, citing the Corporate Overview. However, eHealthInsurance does not teach or suggest anything regarding searching a database for a cost effective insurance that provides a specified level of insurance coverage for an item that is being shipped. Instead, eHealthInsurance is directed to selling individual and small health insurance to the public. eHealthInsurance teaches that purchasers “can access a range of health insurance and provider information, obtain rate quotes, complete enrollment applications” and “purchase health insurance online” (eHealthInsurance, Corporate Overview, paragraph 1). Nowhere does eHealthInsurance mention anything regarding searching a database for a cost effective insurance that provides a specified level of insurance coverage *for an item being shipped*. eHealthInsurance has nothing to do with providing insurance for an item being shipped.

Thus, the rejection of claim 1 is not supported by the prior art and removal thereof is respectfully requested.

In further regard to claims 19 and 20, Applicant notes that the Examiner failed to provide any rejection regarding these claims. The Examiner lists claims 19 and 20 as

rejected in the Office Action Summary, but fails to actually provide any rejection of either claim 19 or claim 20.

Regarding claim 18, the cited prior art does not teach or suggest that the memory device comprises an air testing device configured to test air samples for contaminant and to store test results in the data file. The Examiner cites column 2, lines 25-35 of Kepler. However, Kepler fails to teach or suggest a memory device that comprises an air testing device configured to test air samples for contaminant and to store the test results in the data file. Instead, Kepler teaches a system that includes positioning, with the aid of a photo eye, a specialized shipping container that houses a refrigerator to a position allowing an electro-solenoid actuated probe to puncture a seal of the container and to retrieve an air sample for analysis by an air contaminant detection apparatus (Kepler, column 2, lines 25-35, column 3, lines 5-59, and column 4, lines 22-65). Kepler fails to teach or suggest a *memory device* that includes an air testing device and also fails to mention anything regarding storing test results in a data file that is stored on the memory device.

Thus, the rejection of claim 18 is not supported by the cited prior art and removal thereof is respectfully requested.

Applicant also asserts that the rejection of numerous other ones of the dependent claims is further unsupported by the cited art. However, since the rejection has been shown to be unsupported for the independent claims, a further discussion of the dependent claims is not necessary at this time.

## CONCLUSION

Applicant submits the application is in condition for allowance, and prompt notice to that effect is respectfully requested.

If any extension of time (under 37 C.F.R. § 1.136) is necessary to prevent the above-referenced application from becoming abandoned, Applicant hereby petitions for such an extension. If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/5596-00901/RCK.

Also enclosed herewith are the following items:

- ☒ Return Receipt Postcard
- ☐ Petition for Extension of Time
- ☐ Notice of Change of Address
- ☐ Other:

Respectfully submitted,



Robert C. Kowert  
Reg. No. 39,255  
ATTORNEY FOR APPLICANT(S)

Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C.  
P.O. Box 398  
Austin, TX 78767-0398  
Phone: (512) 853-8850

Date: May 10, 2006